

ATTACHMENT 4
Sample Transfer Agreements

This attachment contains samples covering the following situations:

- A. Transfer of imported property from a contractor to a recipient**
- B. Transfer of domestically-acquired property from a contractor to a recipient**
- C. Transfer of imported property from a grantee to a recipient**
- D. Transfer of domestically-acquired property from a grantee to a recipient**
- E. Transfer of property of either type between contractors and/or grantees**

(Note that “recipient” in these Guidelines refers to Ukrainian entities.)

-Sample A-
TRANSFER AGREEMENT
[imported property from a contractor to a recipient]

THE UNDERSIGNED agree to a transfer of the property described in the customs documents attached hereto as Annex ** (the “Property”), and agree to certain undertakings in connection with the transfer of the Property, as provided below:

1. The United States Agency for International Development (“USAID”), which holds title to the Property, and [name of contractor], a USAID contractor with custody and control of the Property for use in carrying out its contract with USAID, agree that they will transfer all right, title and interest in the Property, and physical possession thereof,¹ to [name of recipient], a [describe recipient] that is noted on the registration card for the subject program or project on file with the Department of Coordination of International Technical Assistance (“DCITA”) of the Ukrainian Ministry of Economy, and [name of recipient] agrees to accept such transfer of the Property.
2. The total cost of the Property as set forth on, and on the date of, the attached customs document(s) is USD \$ [state amount]. The present value of the Property,² agreed to by the Parties, is [state amount] UAH.
3. [Name of recipient] agrees to acknowledge the actual transfer of the Property by signing an Act of Acceptance in the form of Annex **. [Name of recipient] agrees to continue to use the Property for purposes consistent with the project purposes. [Name of recipient] further agrees to take all necessary steps to register and record the Property in compliance with Ukrainian law, including but not limited to the steps outlined below.
4. In consideration for the transfer of the Property, the undersigned agree to the following undertakings:

¹ The underlined portion should be translated in Ukrainian as follows: “права володіння, використання та розпорядження майном”

² The underlined portion should be translated in Ukrainian as follows: “поточна вартість майна”

- A. USAID shall notify DCITA by letter that the transfer of the Property has been effected;
- B. [Name of recipient] shall obtain a certificate from DCITA certifying the transfer of the Property, and [name of contractor] shall provide [name of recipient] with a copy of invoices and shipping documents registered with Customs upon original importation of the Property for these purposes;
- C. [Name of recipient] shall reregister the Property with the competent Customs office in the name of [name of recipient], and shall provide [name of contractor] with a copy of customs documents; and
- D. [Name of contractor] shall apply to Kiev Regional Customs for a release of USAID/[name of contractor] from Customs control responsibility.

IN WITNESS WHEREOF, the undersigned have signed this Transfer Agreement.

United States Agency for International Development

Signature

[Name] [please print]:

CTO: [Project Name]

[name of contractor]

Signature

[Name] [please print]:

[Title] [please print]:

[name of recipient]

Signature

[Name] [please print]:

[Title] [please print]:

Date _____

Annex ** [as an attachment]

[This Annex must include description of the property including the following information]

- Name of item
- Technical characteristics (type, model etc.)
- Quantity
- Number of Customs Declaration
- Cost of each item according to Customs Declaration (in \$)
- Total cost of all items according to Customs Declaration (in \$) [This figure must correspond to the value mentioned in the Transfer Agreement]
- Current (present) value [поточна вартість] of each item (in UAH)
- Total current value of all items (in UAH) [This figure must correspond to the value mentioned in the Transfer Agreement]

-Sample B-
TRANSFER AGREEMENT
[domestically-acquired property from a contractor to a recipient]

THE UNDERSIGNED agree to a transfer of the property described in the procurement documents attached hereto as Annex ** (the “Property”), and agree to certain undertakings in connection with the transfer of the Property, as provided below:

1. The United States Agency for International Development (“USAID”), which holds title to the Property, and [name of contractor], a USAID contractor with custody and control of the Property for use in carrying out its contract with USAID, agree that they will transfer all right, title and interest in the Property, and physical possession thereof,³ to [name of recipient], a [describe recipient] that is noted on the registration card for the subject program or project on file with the Department of Coordination of International Technical Assistance (“DCITA”) of the Ukrainian Ministry of Economy, and [name of recipient] agrees to accept such transfer of the Property.
2. The total cost of the Property as set forth on, and on the date of, the attached procurement document(s) is [state amount] UAH. The present value of the Property,⁴ agreed to by the Parties, is [state amount] UAH.
3. [Name of recipient] agrees to acknowledge the actual transfer of the Property by signing an Act of Acceptance in the form of Annex **. [Name of recipient] agrees to continue to use the Property for purposes consistent with the project purposes. [Name of recipient] further agrees to take all necessary steps to register and record the Property in compliance with Ukrainian law.

United States Agency for International Development

Signature
[Name] (please print):
CTO: [Project Name]

[name of contractor]

Signature _____
[Name] (please print):
[Title] (please print):

³ The underlined portion should be translated in Ukrainian as follows: “права володіння, використання та розпорядження майном”

⁴ The underlined portion should be translated in Ukrainian as follows: “поточна вартість майна”

[name of recipient]

Signature

[Name] (please print):

[Title] (please print):

Date _____

-Sample C-
TRANSFER AGREEMENT
[imported property from a grantee to a recipient]

THE UNDERSIGNED agree to a transfer of the property described in the customs documents attached hereto as Annex ** (the “Property”), and agree to certain undertakings in connection with the transfer of the Property, as provided below:

1. The United States Agency for International Development (“USAID”), grantor, and [name of grantee], a USAID grantee with title, custody and control of the Property for use in carrying out its grant agreement with USAID, agree to the transfer, on USAID’s instruction, of all right, title and interest in the Property, and physical possession thereof,⁵ to [name of recipient], a [describe recipient] that is noted on the registration card for the subject program or project on file with the Department of Coordination of International Technical Assistance (“DCITA”) of the Ukrainian Ministry of Economy, and [name of recipient] agrees to accept such transfer of the Property.
2. The total cost of the Property as set forth on, and on the date of, the attached customs document(s) is USD \$ [state amount]. The present value of the Property,⁶ agreed to by the Parties, is [state amount] UAH.
3. [Name of recipient] agrees to acknowledge the actual transfer of the Property by signing an Act of Acceptance in the form of Annex **. [Name of recipient] agrees to continue to use the Property for purposes consistent with the project purposes. [Name of recipient] further agrees to take all necessary steps to register and record the Property in compliance with Ukrainian law, including but not limited to the steps outlined below.
4. In consideration for the transfer of the Property, the undersigned agree to the following undertakings:
 - A. USAID shall notify DCITA by letter that the transfer of the Property has been effected;
 - B. [Name of recipient] shall obtain a certificate from DCITA certifying the transfer of the Property, and [name of grantee] shall provide [name of recipient] with a copy of invoices and shipping documents registered with Customs upon original importation of the Property for these purposes;
 - C. [Name of recipient] shall reregister the Property with the competent Customs office in the name of [name of recipient], and shall provide [name of grantee] with a copy of customs documents; and
 - D. [Name of contractor] shall apply to Kiev Regional Customs for a release of USAID/[name of grantee] from Customs control responsibility.

⁵ The underlined portion should be translated in Ukrainian as follows: “права володіння, використання та розпорядження майном”

⁶ The underlined portion should be translated in Ukrainian as follows: “поточна вартість майна”

IN WITNESS WHEREOF, the undersigned have signed this Transfer Agreement.

United States Agency for International Development

Signature

Name (please print):

CTO: [Project Name]

[Name of grantee]

Signature

[Name] (please print):

[Title] (please print):

[name of recipient]

Signature

Name (please print):

Title (please print):

Date _____

Annex ** [as an attachment]

[use the form of annex provided with Sample A]

-Sample D-
TRANSFER AGREEMENT

[transfer of domestically-acquired property from a grantee to a recipient]

THE UNDERSIGNED agree to a transfer of the property described in the procurement documents attached hereto as Annex ** (the “Property”), and agree to certain undertakings in connection with the transfer of the Property, as provided below:

1. [Name of grantee], which holds title, custody and control of the Property for use in carrying out its grant agreement with the United States Agency for International Development (“USAID”), agrees that it will transfer, on USAID’s instructions, all right, title and interest in the Property, and physical possession thereof,⁷ to [name of recipient], a [describe recipient] that is noted on the registration card for the subject program or project on file with the Department of Coordination of International Technical Assistance (“DCITA”) of the Ukrainian Ministry of Economy, and [name of recipient] agrees to accept such transfer of the Property.
2. The total cost of the Property as set forth on, and on the date of, the attached procurement document(s) is [state amount] UAH. The present value of the Property,⁸ agreed to by the Parties, is [state amount] UAH.
3. [Name of recipient] agrees to acknowledge the actual transfer of the Property by signing an Act of Acceptance in the form of Annex **. [Name of recipient] agrees to continue to use the Property for purposes consistent with the project purposes. [Name of recipient] further agrees to take all necessary steps to register and record the Property in compliance with Ukrainian law.

IN WITNESS WHEREOF, the undersigned have signed this Transfer Agreement.

[name of grantee]

Signature

[Name] (please print):

[Title] (please print):

[name of recipient]

Signature

⁷ The underlined portion should be translated in Ukrainian as follows: “права володіння, використання та розпорядження майном”

⁸ The underlined portion should be translated in Ukrainian as follows: “поточна вартість майна”

[Name] (please print):

[Title] (please print):

Date _____

-Sample E-
TRANSFER AGREEMENT
[imported property transferred between contractors and/or grantees]

THE UNDERSIGNED agree to a transfer of the property described in the customs documents attached hereto as Annex ** (the “Property”), and agree to certain undertakings in connection with the transfer of the Property, as provided below:

1. The United States Agency for International Development (“USAID”), and [name of transferor], a USAID [contractor, grantee], holding title, custody and control of the Property for use in carrying out [name of transferor]’s [contract, grant] with USAID, agree that [name of transferor], will transfer custody and control (physical possession)⁹ of the Property [name of transferee] in accordance with the approved Property Disposition Plan, and [name of transferee] agrees to accept such transfer of the Property.
2. The total cost of the Property as set forth on, and on the date of, the attached customs document(s) is USD \$ [state amount]. The present value of the Property is USD \$ [state amount].
3. In consideration for the transfer of the Property, the undersigned agree to the following undertakings:
 - A. USAID shall notify DCITA by letter that the transfer of the Property has been effected;
 - B. [Name of transferee] shall obtain a certificate from DCITA certifying the transfer of the Property, and [name of transferor] shall provide [name of transferee] with a copy of invoices and shipping documents registered with Customs upon original importation of the Property for these purposes;
 - C. [Name of transferee] shall reregister the Property with the competent Customs office in the name of [name of transferee], and shall provide [name of transferor] with a copy of customs documents;
 - D. [Name of transferee] agrees to acknowledge the actual transfer of the Property by signing an Act of Acceptance in the form of Annex **. [Name of transferee] agrees to continue to use the Property for purposes consistent with the project purposes. [Name of transferee] further agrees to take all necessary steps to register and record the Property in compliance with Ukrainian law.

IN WITNESS WHEREOF, the undersigned have signed this Transfer Agreement.

United States Agency for International Development

Signature

⁹ Transfer of title in the Property must be resolved on case by case basis

Name (please print):
CTO: [Project Name]

Date _____

[name of transferor]

Signature
Name (please print):
Title (please print):

Date _____

[name of transferee]

Signature
Name (please print):
Title (please print):

Date _____